

Senate Bill No. 29

CHAPTER 618

An act to amend Sections 3020, 3117, 4103, 15101, and 15372 of the Elections Code, relating to elections.

[Approved by Governor September 26, 2014. Filed with
Secretary of State September 26, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 29, Correa. Vote by mail ballots and election result statements.

(1) Existing law makes the vote by mail ballot available to any registered voter, including military or overseas voters. Existing law requires that those vote by mail ballots, including those vote by mail ballots cast by military or overseas voters, be received by the elections officials from whom they were obtained or by the precinct boards before the polls close on election day in order to be counted.

Existing law authorizes certain local, special, or consolidated elections to be conducted wholly by mail, so long as specified conditions are satisfied. Existing law requires ballots cast in these vote by mail elections to be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

This bill would, notwithstanding the above provisions, provide that any vote by mail ballot, including any vote by mail ballot cast by a military or overseas voter, is timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than 3 days after election day, and either the ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day or, if the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt and is signed and dated by the voter on or before election day.

Because the bill would expand the duties of local elections officials, it would impose a state-mandated local program.

(2) Existing law permits any jurisdiction in which vote by mail ballots are cast to begin processing vote by mail ballot return envelopes 29 days prior to election, and authorizes any jurisdiction having the necessary computer capability to start processing vote by mail ballots 7 business days prior to the election.

This bill would instead authorize any jurisdiction having the necessary computer capability to start processing vote by mail ballots 10 business days prior to the election.

(3) Existing law requires the elections official to prepare a certified statement of the results of the election and submit it to the governing body within 28 days of the election, except for specified elections.

This bill would instead require the elections official to submit the certified statement of the results of the election to the governing body within 30 days of the election.

(4) This bill would incorporate additional changes to Section 15101 of the Elections Code proposed by AB 2530, to be operative only if AB 2530 and this bill are both chaptered and become effective January 1, 2015, and this bill is chaptered last.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 3020 of the Elections Code is amended to read:

3020. (a) All vote by mail ballots cast under this division shall be received by the elections official from whom they were obtained or by the precinct board no later than the close of the polls on election day.

(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this division shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail delivery company no later than three days after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

SEC. 2. Section 3117 of the Elections Code is amended to read:

3117. A valid ballot cast shall be counted if it is received by the elections official in accordance with Section 3020.

SEC. 3. Section 4103 of the Elections Code is amended to read:

4103. (a) Notwithstanding Section 3020, ballots cast under this chapter shall be returned to the elections official from whom they were obtained no later than 8 p.m. on election day.

(b) Notwithstanding subdivision (a), any vote by mail ballot cast under this chapter shall be timely cast if it is received by the voter's elections official via the United States Postal Service or a bona fide private mail

delivery company no later than three days after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to Section 3011 on or before election day.

SEC. 4. Section 15101 of the Elections Code is amended to read:

15101. (a) Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

SEC. 4.5. Section 15101 of the Elections Code is amended to read:

15101. (a) Any jurisdiction in which vote by mail ballots are cast may begin to process vote by mail ballot return envelopes beginning 29 days before the election. Processing vote by mail ballot return envelopes may include verifying the voter's signature on the vote by mail ballot return envelope pursuant to Section 3019 and updating voter history records.

(b) Any jurisdiction having the necessary computer capability may start to process vote by mail ballots on the 10th business day before the election. Processing vote by mail ballots includes opening vote by mail ballot return envelopes, removing ballots, duplicating any damaged ballots, and preparing the ballots to be machine read, or machine reading them, but under no circumstances may a vote count be accessed or released until 8 p.m. on the day of the election. All other jurisdictions shall start to process vote by mail ballots at 5 p.m. on the day before the election.

(c) Results of any vote by mail ballot tabulation or count shall not be released before the close of the polls on the day of the election.

SEC. 5. Section 15372 of the Elections Code is amended to read:

15372. (a) The elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election or, in the case of school district, community college district, county board of education, or special district elections conducted

on the first Tuesday after the first Monday in November of odd-numbered years, no later than the last Monday before the last Friday of that month.

(b) The elections official shall post the certified statement of the results of the election on his or her Internet Web site in a downloadable spreadsheet format that may include, but is not limited to, a comma-separated values file or a tab-separated values file and that is compatible with a spreadsheet software application that is widely used at the time of the posting. The certified statement of the election results shall be posted and maintained on the elections official's Internet Web site for a period of at least 10 years following the election. This subdivision shall apply only to an elections official who uses a computer system that has the capability of producing the election results in a downloadable spreadsheet format without requiring modification of the computer system.

SEC. 6. Counties may continue to use envelopes and other official election materials that do not take into account the provisions of this act until the supply of those envelopes and other official election materials is exhausted.

SEC. 7. Section 4.5 of this bill incorporates amendments to Section 15101 of the Elections Code proposed by both this bill and Assembly Bill 2530. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2015, (2) each bill amends Section 15101 of the Elections Code, and (3) this bill is enacted after Assembly Bill 2530, in which case Section 4 of this bill shall not become operative.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.